

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MOLLY BECKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:19-cv-00790-RLW
	)	
WALMART INC.,	)	Removed from the Circuit
	)	Court of Phelps County, MO
Defendant.	)	Case No. 19PH-CV00220

**AGREED REQUEST FOR EXTENSION OF TIME  
TO FILE RESPONSIVE PLEADING**

Defendant Walmart Inc. (“Walmart”), by counsel and pursuant to Fed. R. Civ. P. 6(b), requests an extension of time from the current deadline of May 1, 2019, to 14 days following a decision on Plaintiff-Intervenor Ashley Mistler’s Motion to Intervene and to Dismiss, Stay or Transfer this Action (Doc. #8), to file its responsive pleading in this removed case. As grounds, Walmart states:

1. On February 19, 2019, Plaintiff Molly Becker (“Becker”) filed the removed case, *Becker v. Walmart Inc.*, No. 19PH-CV00220, in the Circuit Court of Phelps County, Missouri.
2. On March 29, 2019, and before filing any answer or other responsive pleading in state court, Walmart filed its notice of removal in this Court. (Doc. #1).
3. On April 8, 2019, this Court granted an agreed request by Walmart to set the responsive pleading deadline for this case at May 1, 2019, which was the same date Becker and Walmart had negotiated as a responsive pleading deadline when the case was pending in state court. (Doc. #7) (Order); (Doc. #6) (Agreed Extension Request).
4. On April 19, 2019, Plaintiff-Intervenor Ashley Mistler filed a Motion to Intervene and to Dismiss, Stay or Transfer this action. (Doc. #8). Plaintiff-Intervenor Mistler refers to this

case as “the *Becker* copycat action.” (Doc. #8, PageID #93). Plaintiff-Intervenor Mistler argues that “pursuant to the first-filed rule, the *Becker* copycat action should be dismissed, stayed, or transferred in light of the first-filed putative nationwide class action pending in the Southern District of New York, *In re Welspun Litigation*, S.D.N.Y. Case No. 1:16-cv-06792 (VB) (“*In re Welspun*”).” (Doc. #8, PageID #93). Plaintiff-Intervenor Mistler’s filings in support of her Motion appear as Doc. #s 9-11.

5. Becker has requested and received Walmart’s consent for a 7-day extension of time in which to respond to Plaintiff-Intervenor Mistler’s motion. If granted by the Court, Plaintiff Becker’s response to Plaintiff-Intervenor Mistler’s motion would be due on May 3, 2019.

6. Walmart submits it is in the interests of judicial economy and the sound administration of justice for the threshold issues of whether this case should proceed and in what court that are raised by Plaintiff-Intervenor Mistler’s pending motion be addressed first, before Walmart be required to file a responsive pleading in this matter. Walmart respectfully requests that its responsive pleading deadline be set at 14 days from the date of decision on Plaintiff-Intervenor Mistler’s motion.

7. Walmart has conferred with Plaintiff Becker’s counsel about this request and Plaintiff Becker’s counsel has consented to the requested extension of time.

8. This motion is brought in good faith and not for any purposes of delay.

WHEREFORE, for the reasons set forth above, Walmart respectfully requests that the Court enter an order granting Walmart an extension of time to 14 days following a decision on Plaintiff-Intervenor Ashley Mistler’s Motion to Intervene and to Dismiss, Stay or Transfer this

Action (Doc. #8), to file its responsive pleading in this case and for such other and further relief as the Court deems just.

/s/ Heidi Doerhoff Vollet  
Heidi Doerhoff Vollet #49664  
COOK, VETTER, DOERHOFF &  
LANDWEHR, PC  
231 Madison  
Jefferson City, MO 65101  
(573) 635-7977  
(573) 635-7414 – Fax  
hvollet@cvdl.net  
*Attorneys for Defendant Walmart Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2019, the foregoing was filed electronically with the Clerk of Court, served via the CM/ECF system on all counsel of record.

/s/ Heidi Doerhoff Vollet  
Heidi Doerhoff Vollet